

Dr. Barton L. Goering, Superintendent

Board of Education Office

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APR 28 2003

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Dr. Joseph G. Meyers,
Director of Human Resources
 Dr. Verneda Edwards,
Director of Curriculum & Instruction
 Mrs. Joan Robbins,
Director of Special Services
 Mrs. Myrna Morrison,
Business Manager/Treasurer of the Board
 Ms. Sue Luttrell,
Clerk of the Board

April 21, 2003

APPEAL

Letter of Appeal
 Federal Communications Commission
 Office of the Secretary
 445-12th Street SW
 Washington, DC 20554

Reference: CC Docket Nos. 96--45 and 97--21

This letter is to appeal the decision I received last week on our long distance vendor from the Schools and Libraries Division dated "April 11, 2003" regarding the following:

Spring Hill Unified School District 230
 Form 471 Application Number: 289683
 Funding Year 2002 (07/01/2002 - 06/30/2003)
 Billed Entity Number: 137601
 Funding Request Number: 742460—Effective 07/01/2002
 Changing SPIN from Omniplex Communications Group LLC #143018877 to Westel, Inc. #143003000
 Form 486 Application Number: 203486
 Applicant's Form 486 Identifier: FY 02-03

On August 12, 2002 I called the SLC on how to change a vendor that had been approved on our Form 471 as the company was no longer in business. I was given instructions and was told I would receive notification back if the change was either approved or disapproved. As advised, I sent a SPIN Change Request to the SLC to change our vendor for long distance services, but I never did received any type of notification back from the SLC. I waited patiently as I know their processing takes quite a bit of time. Finally on November 4, I called the SLC to try and find out the status of my request. The SLC Representative informed me that the SPIN Change Request had been approved but it did not appear that notification had ever been sent back to the district. She told me to go ahead and file the Form 486 immediately. I filed the Form 486 that same day as instructed. I also enclosed a copy of my original letter requesting the Spin Change Request along with a note that I had talked to the SLC Customer Support on November 4 indicating that an approval of the SPIN Change Request had never been sent back to the district by the SLC. Full funding was denied on the Form 486.

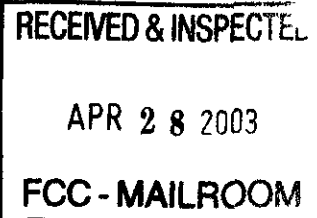
I filed an appeal on December 16 with the SLC disputing their decision denying full funding, but received notification last week that this appeal had also been denied, a copy of which is enclosed. I still believe that the SLC was at fault by not sending out proper notification. They indicated I should have gone ahead and filed the Form 486 even though I had not received approval for the spin change. It was my understanding that you had to go through a process on these various form applications and that I would need approval before I could proceed. They never indicated that I could go ahead and file the form without approval when I made phone calls or I would have filed the Form 486 for our long distance service when I did the others for our school district. They were all filed in August.

Board of Education

Joann Harry, President • Paul Sowers, Vice-President

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Federal Communications Commission
April 21, 2003
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I feel our district has made every effort to follow the SLC guidelines to change this vendor in a timely manner and therefore should not have had the beginning funding date changed from July 1, 2002 to August 5, 2002. If the SCL had sent notification of the vendor change approval as I was told on the phone they would do, the Form 486 and all of the paperwork would have been completed well in advance of the 120 day deadline. If you have any questions, please feel free to contact me. Thank you for your consideration in this matter.

Sincerely,

Myrna Morrison

A handwritten signature in cursive script, reading "Myrna Morrison".

Myrna Morrison, Business Manager
Spring Hill Unified School District 230
101 East South Street
Spring Hill, Kansas 66083
Phone: 913-592-7204 Fax: 913-592-7270
E-Mail: myrna@usd230.k12.ks.us

Enclosure

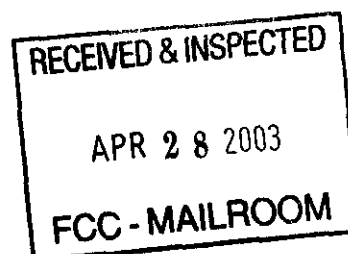


Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal - Funding Year 2002-2003

April 11, 2003

Myrna Morrison
Spring Hill Unified School District 230
101 E. South Street
Spring Hill, KS 66083



Re: Billed Entity Number: 137601
 471 Application Number: 289683
 Funding Request Number(s): 742460
 Your Correspondence Dated: December 16, 2002

After thorough review and investigation of all relevant facts, the Schools and Libraries Division ("SLD") of the Universal Service Administrative Company ("USAC") has made its decision in regard to your appeal of SLD's Year 2002 Funding Commitment Decision for the Application Number indicated above. This letter explains the basis of SLD's decision. The date of this letter begins the 60-day time period for appealing this decision to the Federal Communications Commission ("FCC"). If your letter of appeal included more than one Application Number, please note that for each application for which an appeal is submitted, a separate letter is sent.

Funding Request Number: 742460
Decision on Appeal: **Denied in full**
Explanation:

- In your appeal letter, you stated that you sent a SPIN change request letter on August 12, 2002, because the original vendor, Omniplex Communications Group, went out of business. You said that you did not receive any notification from SLC if the SPIN change was approved or not. On November 4, 2002, you called SLC to find out the status of the SPIN change request, and were informed that it was approved but it did not appear that any notification had been sent out. You were also informed to file the Form 486 immediately. You feel that you had made every effort to follow the SLC guidelines to change the vendor in a timely manner, and therefore should not have had the beginning funding date changed from 7/1/02 to 8/5/02. You also state that if SLC had sent notification of the SPIN change approval, the Form 486 would have been completed on time. You wish to appeal this decision.

- After thorough review and investigation of all relevant facts, the SLD determined that you should have filed your Form 486 for this funding request within 120 days calculated from the issuance date of your Funding Commitment Decision Letter. The SLD also determined that SPIN change is not a sufficient reason for the School District to fail to comply with the program rules regarding the Form 486 filing deadline. Your appeal is therefore denied.
- For Funding Year 2002, your Form 486 must have been received or postmarked no later than 120 days after the date of your Funding Commitment Decision Letter or no later than 120 days after the Service Start Date reported on your Form 486, whichever is later. The date of your Funding Commitment Decision Letter for FCC Form 471 #289683 was 5/21/02. The Service Start Date reported on your FCC Form 486 was 7/1/02. The postmark date of your FCC Form 486 was 12/3/02. Since your FCC Form 486 was postmarked more than 120 days after your Service Start Date or the date of your Funding Commitment Decision Letter, whichever is later, the SLD has revised your Service Start Date to the date 120 days before your FCC Form 486 postmark date and reduced your funding commitment amount based on the revised Service Start Date.
- FCC rules provide that FCC Form 486 certifications must be provided to the Administrator in accordance with existing program guidelines established by the Administrator. *See* 47 C.F.R. § 54.520(g). Existing program guidelines are explained in the Funding Commitment Decision letter. Your Funding Year 2001 Funding Commitment Decision letter notified you that “[I]f your services start after October 28, 2001, your Form 486 must be postmarked no later than 120 days after the Service Start Date or 120 days after the date of the Funding Commitment Decision Letter, whichever is later, in order for discounts to be paid retroactively to the Service Start Date. Failure to meet this filing deadline will result in reduced funding.” *See* Funding Commitment Decision Letter (Funding Year 2001: 07/01/2001 – 06/30/2002), page 2. Since your FCC Form 486 was postmarked more than 120 days after the Service Start Date you indicated on your FCC Form 486, SLD has reduced your funding.

If you believe there is a basis for further examination of your application, you may file an appeal with the Federal Communications Commission (FCC) via United States Postal Service: FCC, Office of the Secretary, 445-12th Street SW, Washington, DC 20554. If you are submitting your appeal to the FCC by other than United States Postal Service, check the SLD web site for more information. Please reference CC Docket Nos. 96-45 and 97-21 on the first page of your appeal. **The FCC must RECEIVE your appeal WITHIN 60 DAYS OF THE ABOVE DATE ON THIS LETTER for your appeal to be filed in a timely fashion.** Further information and new options for filing an appeal directly with the FCC can be found in the “Appeals Procedure” posted in the Reference Area of the SLD web site, www.sl.universalservice.org.

We thank you for your continued support, patience, and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company